

REMARKS

Claims 1-4, 6-17, 19-29, 31-42, and 44-46 are pending.

Claims 1, 10, 23, and 35 are amended.

The Examiner rejected the above claims under 35 U.S.C. § 103 in a non-final Office Action mailed on October 31, 2006. For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims, is in condition for allowance.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4, 6-17, 19-29, 31-42 and 44-46 as anticipated by the combination of Green et al. (U.S. Patent No. 5,687,324) with Carvey (U.S. Patent Application Pub. No. 2002/0049901 A1) and various other references. The Examiner also rejected claims 10, 11, 23, 24, and 35 as anticipated by the combination of Herring et al. (U.S. Patent No. 6,542, 502) with Carvey. For the reasons discussed below, applicant believes that the amended independent claims 1, 10, 23 and 35 are patentable over the cited combinations and should be allowed along with all of their dependent claims.

The currently amended claims are directed to a system for transmitting multicast data. After receiving and buffering the data, the system preempts lower-priority communications on destination ports and transmits the multicast data on all available destination ports. Where the system is not able to transmit the data through all ports, it repeats the process until all data has been sent. The claims have been amended to include the limitation of "preempting communications on destination ports that are transmitting lower-priority data". Support for this amendment can be found primarily in paragraphs 73 and 74 of the specification, with additional support in paragraphs 55 and 70. Therefore, under the amended claims, a high-priority multicast communication will be able

to preempt most communications in the case of port contention, resulting in reduced delay in transmission and also guaranteeing that the multicast data will be sent to all destinations.

In contrast, Green discloses a system that transmits multicast data through destination ports using a feedback buffer to repeat the transmission for ports where transmission failed initially. The system in Green uses queue prioritization techniques only to give higher priority to packets in the feedback buffer that have already failed to transmit once due to port contention. However, Green does not disclose using externally-set communications priorities in order to preempt ongoing communications. The other main reference, Herring, also fails to disclose a system by which communication priority is used to determine whether to preempt communications on destination ports when multicasting. Therefore, neither reference discloses a system that preempts lower-priority communications as a first step in the multicast process, as described in the amended claims

For a claim to be rejected as obvious under 35 U.S.C. § 103, M.P.E.P. § 2143.03 requires that "all of the claim limitations must be taught or suggested by the prior art." As described above, the main references, Green and Herring, do not disclose the elements of the amended claims. Therefore, a *prima facie* case of anticipation under Section 103 has not been established with respect to these claims and, accordingly, the undersigned requests the withdrawal of the Section 103 rejection of these claims and their dependent claims 2-4, 6-9, 11-17, 19-22, 24-29, 31-34, 36-42, and 44-46, which include the features of these independent claims.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant submits payment of the \$450 extension fee via an EFT Account. If additional fees are due, please charge our Deposit Account No. 50-0665, under Order No. 030048030US from which the undersigned is authorized to draw.

Dated

3/19/07

Respectfully submitted,

By


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